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UNITED STATES DISTRICT COURT                             DOCUMENT
SOUTHERN DISTRICT OF NEW YORK                            ELECTRONICALLY FILED
                                                         DOC #: _____
------------------------------------------------------   DATE FILED: 8/7/08
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ELEKTRA ENTERTAINMENT GROUP INC., a       :
Delaware corporation; UMG RECORDINGS,
INC., a Delaware corporation; VIRGIN       :
RECORDS AMERICA, INC., a California
corporation; and SONY BMG MUSIC           :   Civil Action No.:  1:05-cv-07340
ENTERTAINMENT, a Delaware general
partnership,                               :

             Plaintiffs,                   :

                                           :
          -against-                        :   CASE MANAGEMENT PLAN AND
                                               SCHEDULING ORDER
DENISE BARKER,                             :

             Defendant.                    :

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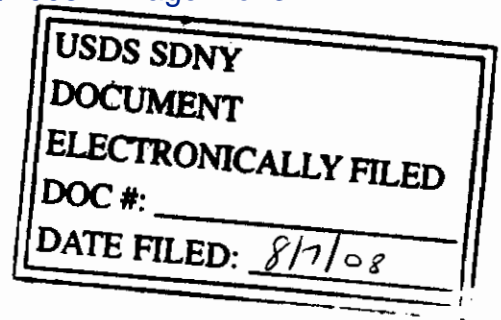
RICHARD J. SULLIVAN, District Judge:

~~At the conference before the Court held on~~ _____, this Case Management Plan and Scheduling Order was adopted in accordance with Rules 16-26(f) of the Federal Rules of Civil Procedure.

1. All parties do not consent to disposition of this case by a Magistrate Judge, pursuant to 28 U.S.C. § 636(c).

2. This case is to be tried to a jury.

3. No additional parties may be joined except with leave of the Court.

4. Amended pleadings may not be filed except with leave of the Court.

5. Initial disclosures pursuant to Rule 26(a)(1) will be completed not later than **August 15, 2008**.

6. All *fact* discovery is to be completed no later than **November 29, 2008**.

7. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided the parties meet the fact discovery completion date in ¶ 6 above:

STAM1-863396-1

    a. Initial requests for production of documents to be served by **August 15, 2008**.

    b. Interrogatories to be served by **August 15, 2008**.

    c. Depositions to be completed by **October 29, 2008**.

        i. Unless the parties agree or the Court so orders, depositions are not to be held until all parties have responded to initial requests for document production.

        ii. There is no priority in deposition by reason of a party's status as plaintiff or defendant.

        iii. Unless the parties agree or the Court so orders, non-party depositions shall follow initial party depositions.

    d. Requests to Admit to be served no later than **November 29, 2008**.

8. All *expert* disclosures, including reports, production of underlying documents, and depositions are to be completed by:

    a. Expert(s) of Plaintiffs: **November 29, 2008**
    b. Expert(s) of Defendants: **November 29, 2008**

9. All discovery is to be completed no later than **November 29, 2008**.

10. The Court will schedule a post-discovery status conference (see ¶ 16) within three weeks of the close of all discovery.

11. Pre-motion letters regarding dispositive motions, if any, are to be submitted no later than two weeks prior to the post-discovery status conference date listed in ¶ 16. In accord with this Court's Individual Rule 2.A, response letters thereto are to be submitted within three business days from service of the initial pre-motion letter.

12. All counsel must meet for at least one hour to discuss settlement no later than two weeks following the close of fact discovery. Accordingly Counsel for the parties have discussed holding a settlement conference before a Magistrate Judge or the Southern District's Mediation Program and request:

    a. <u>Plaintiffs request</u>   Referral to a Magistrate Judge for settlement discussions
    b. <u>Defendant requests</u> Referral to the Southern District's Mediation Program

13. The parties shall submit a Joint Pretrial Order prepared in accordance with the undersigned's Individual Practice Rule 3 and Rule 26(a)(3). If this action is to be tried before a jury, proposed *voir dire*, jury instructions, and a verdict form shall be filed with the Joint Pretrial Order. Counsel are required to meet and confer on jury instructions and verdict form in an effort to make an agreed upon submission.

14. Parties have conferred and their present best estimate of the length of trial is two to three days.

TO BE COMPLETED BY THE COURT:

15. [Other directions to the parties:]

16. The post-discovery status conference is scheduled for 12/5/08 at 10AM

SO ORDERED.

Dated: New York, New York
        Aug 4 , 2008

RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE

3